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MIGUEL A. CRUZ and JOHN D. HANSEN

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

17 MIGUEL A. CRUZ, and JOHN D. HANSEN,
individually and on behalf of all others
18 similarly situated,

CASE NO. C 07 2050 SC

19 Plaintiffs,

20 v.

21 DOLLAR TREE STORES, INC.,

22 Defendant.

23 ROBERT RUNNINGS individually, and on
behalf of all others similarly situated,

CASE NO. C 07 04012 SC

24 Plaintiff,

25 v.

26 DOLLAR TREE STORES, INC.,

27 Defendant.

**JOINT STIPULATION AND
(PROPOSED ORDER) FOR
CONSOLIDATION OF ACTIONS
FRCivP 42 (a)**

JUDGE: Hon. Samuel Conti

COMPLAINTS FILED: April 11, 2007
July 6, 2007

TRIAL DATES: No dates set.

1 Counsel for all Parties to the above cases hereby enter into a Stipulation
 2 (and Proposed Order) consolidating the above cases (*Hansen and Cruz v. Dollar Tree*
 3 *Stores, Inc.* (Case No. C 07 2050 SC) and *Runnings v. Dollar Tree Stores, Inc.* (Case
 4 No. C 07 04012 SC) pursuant to FRCivP 42 (a). Such actions were previously deemed
 5 related by Court Order August 30, 2007.

6 While raising separate claims, both cases have as a core allegation the
 7 contention that Dollar Tree Store Managers in California are not exempt from overtime
 8 payment under state and/or federal law, a contention disputed by Defendant. Both
 9 cases are pled on a class basis. Both cases are at a preliminary stage in the litigation
 10 with the first case management conference set for November 16, 2007. The Parties
 11 therefore believe that consolidation will serve interests of efficiencies and the avoidance
 12 of inconsistent rulings.

13 In entering into this Stipulation, Defendant Dollar Tree expressly reserves
 14 its right and ability throughout the litigation of these matters to argue that each case
 15 presents unique facts concerning, *inter alia*, the individualized circumstances of each
 16 Plaintiff's employment with Dollar Tree. All Parties agree that this Stipulation and
 17 Proposed Order cannot be used, at either class certification motion stage or at any other
 18 proceeding in the litigation, to argue against Dollar Tree's position that common
 19 questions of law and fact do not predominate relative to either case.

20 The Parties further reserve the right to move for a severance of the cases
 21 or to otherwise separate the cases for trial or for any other purpose under applicable law.

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1 DATED: November 16, 2007

KAUFF MCCLAIN & MCGUIRE LLP

2 By: Ma E M
3 MAUREEN E. MCCLAIN4 Attorneys for Defendant
5 DOLLAR TREE STORES, INC.6 DATED: November 16, 2007

7 SCOTT COLE & ASSOCIATES, APC

8 By: SCOTT EDWARD COLE
910 Attorneys for Plaintiff
11 ROBERT RUNNINGS12 DATED: November 14, 2007

13 EDGAR LAW FIRM

14 By: Jeremy R. Fietz
15 JEREMY R. FIETZ, ESQ.16 Attorneys for Plaintiffs
17 MIGUEL A. CRUZ and JOHN D HANSEN**PURSUANT TO STIPULATION, IT IS SO ORDERED.**18 DATED: November 20, 2007

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